

## **ORDINANCE NO. 2010-14**

**AN ORDINANCE,** amending Chapter 2.06 WCC pertaining to Permits.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF  
WENATCHEE DO ORDAIN** as follows:

### **SECTION I**

That Chapter 2.06 WCC, pertaining to Permits, shall be and hereby is  
amended to read as follows:

#### **Chapter 2.06 PERMITS**

##### **2.06.010 Permits**

(1) Permits Required. Any person who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or cause any work to be done, shall first make application to the building official and obtain the required permit.

(2) Expiration of Permits. All building permits shall expire by limitation and be declared void if (a) work is not started within 180 days of obtaining a permit, or (b) work is abandoned for 180 days or more after beginning work, or (c) after two years from the date of permit issuance, regardless of whether the work is finished. If a permit is expired for time, a new permit may be obtained for one-half the original permit fee.

(3) Referenced Codes. All referenced codes are adopted in WCC Chapter 2.04, as exists now or may hereafter be amended and are available for review at the City of Wenatchee Public Service Center.

(4) Application for permit- General. To obtain a permit the applicant shall first file an application there for in writing on a form furnished by the department for that purpose. Such application shall:

(a) Identify and describe the work to be covered by the permit for which application is made.

- (b) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and locate the proposed building or work.
  - (c) Indicate the use and occupancy for which the proposed work is intended.
  - (d) Be accompanied by construction documents and other information as required by the submittal requirements established by the city.
  - (e) Be signed by the applicant, or the applicant's agent.
- (5) Fees. All city of Wenatchee permit fees shall be established by ordinance, as exists now or may hereafter be amended.
- (6) Investigation Fees – Work without a Permit.

- (a) Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- (b) Fee. An investigation fee of \$500.00 or triple the permit fee, whichever is greater, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. This fee is an additional, punitive fee and shall not apply to any city of Wenatchee grading or building permit fee that may subsequently be issued. Payment of the investigation fee does not vest the illegal work with any legitimacy, nor does it establish any right to a city of Wenatchee permit for continued development of that project. If the work done remains illegal for 90 days after service of the stop work order, it shall be considered a Dangerous Building and abated in conformance with the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition.
- (c) Other. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(7) Fee Refunds. The building official may authorize the refunding of:

- (a) One hundred percent of any fee erroneously paid or collected;
- (b) Up to 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code; or
- (c) Up to 80 percent of the plan review paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(8) Expiration of plan review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant

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have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(9) Responsibility for Payment of Plan Check Fees. The building official may require payment of plan check fees prior to review of plans. Regardless of the timing of payment of plan check fees, all plans reviewed by the city shall pay the full plan check fee for all work completed by the city regardless of whether the applicant subsequently does not obtain a building permit.

(10) Violation- Penalty.

(a) Unlawful Acts. It shall be unlawful for any person to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this chapter, or the referenced codes adopted in WCC Chapter 2.04, or cause the same to be done, in conflict with or in violation of any of the provisions of this chapter .

(b) Civil Violation. Any violation of any of the provisions of this chapter or WCC Chapter 2.04 constitutes a civil violation as provided for in WCC Chapter 2.11, for which a monetary penalty may be imposed as provided therein.

(c) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provisions of this chapter or WCC Chapter 2.04 shall be guilty of a misdemeanor.

(d) Penalty Imposition. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. When not otherwise specified, each ten days that prohibitive conditions are maintained shall constitute a separate misdemeanor offense.

(e) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of the chapter of the referenced codes.

(11) Hearing Examiner as Board of Appeals.

The hearing examiner, as authorized and constituted by WCC Section 13.03.050 shall hear and decide appeals from the decisions of the building official pursuant to the building codes, as they now exist or as the same may hereafter be amended.

## SECTION II

This Ordinance shall take effect thirty (30) days from and after its passage, approval and publication as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY WENATCHEE,**

at a regular meeting thereof, this 24 day of June, 2010.

CITY OF WENATCHEE

By:   
DENNIS JOHNSON, Mayor

ATTEST:

By: Tammy Stanger  
TAMMY STANGER, City Clerk

APPROVED:

By: Steve D. Smith  
STEVE D. SMITH, City Attorney